

11324 U.S. PTO
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| UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i> | Docket No. | C1039.70073US00 |
| | First Named Inventor or Application Identifier | |
| | Krieg et al. | |
| | Express Mail Label No. | EV 292561985 US |
| | Date of Deposit | December 22, 2003 |

22264 U.S. PTO
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| APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents</i> | ADDRESS TO: Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 |
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form <i>(Submit an original, and a duplicate for fee processing)</i> 2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input checked="" type="checkbox"/> Specification [Total pages 57] 53 - pages description 1 - pages abstract 3 - pages claims 21 - Total claims 4. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total sheets 19] <input type="checkbox"/> Informal <input checked="" type="checkbox"/> Formal [Total drawings 15] 5. <input checked="" type="checkbox"/> Oath or Declaration [Total pages 12] a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application i. <input type="checkbox"/> <u>DELETION OF INVENTOR(S)</u> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). If 5b is checked the entire disclosure of prior applications, Serial No. <u>08/738,652</u> Filed <u>October 30, 1996</u> from which an oath or declaration is supplied, is considered as part of the disclosure of the accompanying application as is hereby incorporated by reference therein. The incorporation <u>can only</u> be relied upon when a portion has been inadvertently omitted from the submitted application parts. 6. <input checked="" type="checkbox"/> Application Data Sheet, See 37 CFR 1.76 | 7. <input type="checkbox"/> CD-ROM or CD-R, in duplicate, large table or Computer Program (Appendix) 8. <input checked="" type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input checked="" type="checkbox"/> Computer Readable Form (CRF) b. <input checked="" type="checkbox"/> Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input checked="" type="checkbox"/> paper (identical to computer copy) c. <input checked="" type="checkbox"/> Statement verifying identity of above ACCOMPANYING APPLICATION PARTS 9. <input checked="" type="checkbox"/> Assignment Papers/cover sheet & documents(s) 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <i>(when there is an assignee)</i> <input type="checkbox"/> Power of Attorney 11. <input type="checkbox"/> English Translation of Document <i>(if applicable)</i> 12. <input checked="" type="checkbox"/> Information Disclosure Statement PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations 13. <input checked="" type="checkbox"/> Preliminary Amendment 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i> 15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i> 16. <input type="checkbox"/> Request and Certification Under 35 U.S.C. §122(b)(2)(B)(ii) 17. <input checked="" type="checkbox"/> Other: <u>Petition to Correct Inventorship</u> |

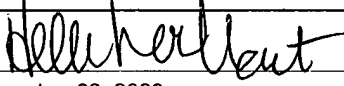
18. NOTE TO PRACTITIONERS: If a CONTINUING APPLICATION, supply the requisite priority or continuity information in (1) the body of the application, or in a preliminary amendment, and (2) in an Application Data Sheet under 37 CFR 1.76.

19. CORRESPONDENCE ADDRESS

Correspondence address below

CUSTOMER NUMBER:
23628

20. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | |
|-----------|--|
| NAME | Helen C. Lockhart, Ph.D., Reg. No. 39,248 |
| SIGNATURE |  |
| DATE | December 22, 2003 |

Inventor(s): Krieg et al.
 Serial No: Not yet assigned
 Confirmation No.:

Filed: Herewith

CHECK BOX, if applicable:

For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES

☐ DUPLICATE

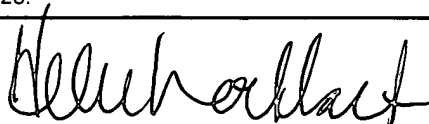
Fee Calculation Sheet

| CLAIMS | FOR | NUMBER FILED | NUMBER EXTRA | RATE | FEE |
|--------|---|--------------|--------------|-------------------------------|------------|
| | TOTAL CLAIMS (37 CFR 1.16(c)) | 21-20= | 1x | \$ 18.00 | = \$ 18.00 |
| | INDEPENDENT CLAIMS (37 CFR 1.16(b)) | 1-3= | 0 x | \$ 86.00 | = \$ 0.00 |
| | MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d)) + | | | \$ 290.00 | = \$ 0.00 |
| | | | | BASIC FEE (37 CFR 1.16(a)) | \$ 770.00 |
| | Petition to Correct Inventorship | | | | \$ 130.00 |
| | Other Fees (if any) | | | | \$ 0.00 |
| | Total of above Calculations = | | | | \$ 918.00 |
| | Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28) | | | | \$ 0.00 |
| | Assignment Recordation Fee (if any) | | | | \$ 40.00 |
| | TOTAL = | | | | \$ 958.00 |

1. A check in the amount of \$948.00 is enclosed. Please charge the undersigned attorneys' deposit account No. 23/2825 in the amount of \$10.00.

General Authorization to Charge Deposit Account and General Request for Extension of Time

2. a. ☒ If the filing of any paper in this application necessitates the payment of a fee under 37 CFR §§ 1.16 or 1.17, and the fee due is in an amount different from any enclosed check or if no check is enclosed, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 23/2825.
- b. ☐ The applicant hereby revokes any prior authorization to charge a fee due under 37 CFR §§ 1.16, 1.17 or 1.18.
3. If the filing of any paper in this application necessitates an extension of time under 37 CFR § 1.136(a), the applicant hereby requests such extension of time. If the fee due is in an amount different from any enclosed check or if no check is enclosed, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 23/2825.



Helen C. Lockhart, Ph.D., Reg. No. 39,248
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Attorney's Docket No. C1039.70073US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Krieg *et al.*
Serial No. : Not yet assigned
Conf. No. : Not yet assigned
Filing Date : Herewith
For : IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES

Art Group : Not yet assigned
Examiner : Not yet assigned

Mail Stop Patent Application

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION TO CORRECT INVENTORSHIP UNDER 37 CFR §1.48

In accordance with 37 C.F.R. §1.48(b), Applicants hereby petition to correct inventorship of the above-identified patent application.

In parent application Serial No. 09/818,918, Arthur Krieg, Dennis Klinman, and Alfred Steinberg are named as inventors. In parent application Serial No. 09/738,652, Arthur Krieg, and Joel Kline were named as inventors. Subsequent to the original filing Joel Kline was removed as an inventor (because the claims changed) and Dennis Klinman, and Alfred Steinberg were added (to correct an inadvertent error). The present application is a continuation application directed to subject matter described in the parent applications but not claimed. In an independent mediation conducted by Applicants, it was determined that the subject matter claimed in the claims being added by preliminary amendment filed herewith were invented only by Dr. Arthur Krieg and Dr Joel Kline. The inventions of Dr. Alfred Steinberg and Dr. Dennis Klinman are not being claimed in the present application. Accordingly, Dr. Alfred Steinberg and Dr. Dennis Klinman should be deleted as inventors in the present application.

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Enclosed herewith is a copy of an original Declaration for Patent Application signed by Drs. Krieg, Kline, Steinberg and Klinman for U.S. Serial No. 09/738,652 which was filed on October 30, 1996.

Accordingly, it is requested that Dr. Alfred Steinberg and Dr. Dennis Klinman be deleted as inventors in the present application.

A petition fee in the amount of \$130.00 is enclosed herewith. The Commissioner is hereby authorized to charge any additional fees to Deposit Account No. 23/2825. If any issues remain unresolved in this application, the Examiner is respectfully requested to contact Applicants' representative at the number listed below.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Helen C. Lockhart', written over a horizontal line.

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